

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

RUSTY ARCHER,

Appellant-Respondent

v.

CITY OF CAMERON AND MIDWEST PUBLIC RISK OF MISSOURI, RESPONDENT-
APPELLANT; TREASURER OF THE STATE OF MISSOURI- CUSTODIAN OF THE
SECOND INJURY FUND.

Respondent

DOCKET NUMBER WD77320 Consolidating WD77321 & WD77322

DATE: February 10, 2015

Appeal From:

Labor and Industrial Relations County, MO

Appellate Judges:

Division One

Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Attorneys:

Richard C. Wiles, Kansas City, MO, Counsel for Respondent,
Mary Anne Lindsey, St. Louis, MO, Counsel for Respondent-Appellant,
Steffanie Leah Stracke, Kansas City, MO, Counsel for Appellant-Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

RUSTY ARCHER,

Appellant-Respondent,

v.

**CITY OF CAMERON AND MIDWEST
PUBLIC RISK OF MISSOURI,**

Respondent-Appellants;

**TREASURER OF THE STATE OF
MISSOURI- CUSTODIAN OF THE SECOND
INJURY FUND,**

Respondent.

WD77320 Consolidating WD77321 & WD77322

Labor and Industrial Relations

Before Division One Judges: Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

City of Cameron and its insurer, Midwest Public Risk of Missouri (“Employer” collectively), appeal the final award of the Labor and Industrial Relations Commission granting Rusty Archer permanent total disability benefits, medical expenses, and future medical care for a 2008 work injury. Employer contends that the Commission erred as a matter of law: (1) in awarding permanent total disability for a 2008 work injury suffered by Archer because the Commission failed to apply the appropriate statutory standard in determining the nature and extent of Archer’s disability from that injury; (2) awarding Archer medical expenses; (3) in awarding Archer future medical treatment.

AFFIRMED

Division One holds:

- (1) The Commission did not err as a matter of law in awarding permanent total disability for Archer’s 2008 work injury as the Commission did not act in excess of its powers, the facts found by the Commission support the award, and the Commission’s award is supported by sufficient competent evidence.
- (2) The Employer failed to preserve for review its claim that the Commission erred in awarding past medical expenses.

(3) The Employer failed to preserve for review its claim that the Commission erred in awarding Archer future medical treatment.

Opinion by Anthony Rex Gabbert, Judge

Date: 2/10/15

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